

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW MEXICO**

ZIA TRUST COMPANY, as Personal  
Representative of DYLAN CAUSEY, minor son  
of JODIE OCKLE, and sole beneficiary of  
MEGAN DYLAN CAUSEY,

Plaintiffs,

v.

CIV 08-0077 KBM/CEG

CARLOS MONTTOYA  
and COUNTY OF DOÑA ANA,

Defendants.

**ORDER**

THIS MATTER came before the Court on Plaintiffs' and Defendants' Motions in Limine (*Docs. 155, 156, 157*), Defendants' Motion to Strike (*Doc. 169*), and other pre-trial motions. A hearing was held on Friday, July 16, 2010 at which I gave my reasoning and rulings. I incorporate my discussion from the hearing and for the reasons stated on the record, the Court hereby rules as follows:

- 1) Defendants' motion in limine regarding the testimony of Ron Feder (*Doc. 155 at 1-2*) is denied as moot because Plaintiff will not be calling Ron Feder.
- 2) Defendants' motion in limine regarding the testimony of Andrew Scott (*Doc. 155 at 2*) is denied in part and granted in part. Testimony as to mental state is limited to the context of officer training.
- 3) Defendants' motion in limine regarding William Patterson's testimony as

to the value of hedonic damages (*Doc. 155 at 2-3*) is granted.

- 4) Defendants' motion in limine regarding the District Attorney's investigation into the incident (*Doc. 155 at 3-4*) is granted.
- 5) Defendants' motion in limine regarding evidence of Deputy Montoya's DWI convictions (*Doc. 155 at 4*) is denied. A limiting instruction will be given.
- 6) Defendants' motion in limine regarding evidence of Deputy Montoya's high blood pressure medication (*Doc. 155 at 4-5*) is denied in part and granted in part. Limited to impeachment of Dr. Lewinsky's analysis.
- 7) The Court will reserve ruling on Defendants' motion in limine regarding statements made by Stan Infante (*Doc. 155 at 5-6*). The Court will determine foundation/hearsay in context of Mr. Scott's opinion basis.
- 8) Plaintiffs' motion in limine regarding evidence unknown to Deputy Montoya at the time of shooting (*Doc. 156*) is granted at this time, subject to review in context of evidence at trial.
- 9) Plaintiffs' motion in limine regarding testimony of boot prints (*Doc. 157*) is denied in part and granted in part. No expert opinion shall be permitted.
- 10) Defendants' motion to strike Plaintiffs' witness (*Doc. 169*) is granted because Plaintiff failed to timely identify the witness.

**IT IS SO ORDERED.**

Entered *nunc pro tunc* July 16, 2010.

  
KAREN B. MOLZEN  
UNITED STATES MAGISTRATE JUDGE  
Presiding by Consent